

UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Environmental Health Trust,	)	
Petitioners for Safe Cell Phones,	)	
Elizabeth Barris, and Theodora Scarato,	)	No. 20-1025
Petitioners	)	
	)	
v.	)	On Petition for Review of an Order of
	)	the Federal Communications
Federal Communications Commission	)	Commission
and United States of America	)	

---

Children’s Health Defense, et al.	)	
Petitioners	)	No. 20-1138
	)	(Consolidated)
v.	)	On Petition for Review of an Order of
	)	the Federal Communications
Federal Communications Commission	)	Commission
and United States of America	)	

---

**UNOPPOSED MOTION TO AMEND BRIEFING SCHEDULE**

Petitioners Children’s Health Defense, et al. (collectively “Children’s Health Defense”) submit this unopposed motion to amend the briefing schedule in Case Nos. 20-1025 and Case No. 20-1138.

These consolidated cases involve petitions for review of the Federal Communications Commission’s (“FCC”) Resolution of Notice of Inquiry, Second Report and Order, and the Memorandum Opinion and Order, *In the Matter of Proposed Changes in the Commission’s Rules Regarding Human Exposure to Radiofrequency Electromagnetic Fields; Reassessment of Federal Communications*

*Commission Radiofrequency Exposure Limits and Policies; Targeted Changes to the Commission's Rules Regarding Human Exposure to Radiofrequency Electromagnetic Fields*, FCC 19-126, ET Docket Nos. 03-137 and 13-84, 34 FCC Rcd 11687 (rel. Dec. 4, 2019), published 85 Fed. Reg. 18,131 (Apr. 1, 2020). Petitioners Environmental Health Trust, et al. (collectively “Environmental Health Trust”) filed their initial Petition for Review with this Court on January 31, 2020 under Case No. 20-1025. Environmental Health Trust submitted a Protective Petition for Review on April 9, 2020. Petitioners Children’s Health Defense filed a protective Petition for Review in the Ninth Circuit on February 2, 2020 under Ninth Circuit Case No. 20-70297. Children’s Health Defense submitted a Supplemental Petition for Review in the same court and under the same case number on April 2, 2020. On April 24, 2020 the Ninth Circuit granted the FCC’s Motion to Transfer the Children’s Health Defense’s Petition to this Court.

The Court received the Children’s Health Defense matter and opened No. 20-1138 on April 30, 2020. By separate order on the same day it entered its order consolidating the two cases into No. 20-1025 and established a briefing schedule. Children’s Health Defense now moves to amend the briefing schedule, with the consent of Petitioners Environmental Health Trust, et al. and Respondent FCC.

Counsel for Children’s Health Defense has a health issue that materially inhibits his ability to work for more than a few hours each day. Two rounds of long-

planned surgery to correct the problem were cancelled because of the coronavirus health emergency. The two surgeries have now been rescheduled for June 2 and June 9, 2020. The recovery period is relatively short, but counsel's inability to tend to briefing will continue until shortly after June 9, 2020. Therefore, counsel cannot meet the current June 1, 2020 deadline for Petitioners' opening briefs.

All counsel have conferred and do not oppose a proposed revised schedule. This schedule largely retains the pacing contemplated by the current schedule, except in four respects. First, it moves Petitioners' opening brief(s) back 30 days, to July 1. Second, it grants the FCC 15 additional days to submit its Respondent brief. Third, it provides for 3 additional days for submission of the deferred appendix. Finally, there is one instance where a deadline would fall on a holiday, so the proposed schedule moves the deadline to the next working day.

In full, the proposed amended schedule would be:

- Petitioners' Brief(s): July 1, 2020
- Respondents' Brief: August 17, 2020
- Petitioner's Reply Brief(s): September 8, 2020
- Deferred Appendix: September 18, 2020
- Final Briefs: October 2, 2020

Accordingly, for the reasons discussed above, Children's Health Defense, et al. respectfully request, without objection from the other parties in this case, that this Court amend the briefing schedule in this case in the manner described above.

Respectfully Submitted

/s/

W. Scott McCollough

McCollough Law Firm, P.C.

2290 Gatlin Creek Rd.

Dripping Springs, TX 78620

DC Circuit Bar No. 53446

EMAIL: wsmc@dotlaw.biz

TEL: 512.888.1112

FAX: 512.692.2522

Attorneys for Petitioners Children's Health  
Defense, et al

May 6, 2020

**CERTIFICATE OF COMPLIANCE**

I hereby certify that the foregoing Unopposed Motion to Amend Briefing Schedule complies with the formatting and type-volume restrictions of the rules of the U.S. Court of Appeals for the District of Columbia Circuit. The motion was prepared in 14-point, double spaced, Times New Roman font, using the current version of Microsoft Word, in accordance with Fed. R. App. P. 32(a)(5) and Fed. R. App. P. 32(a)(6). The motion contains 540 words and therefore complies with Fed. R. App. P. 27(d)(2)(A).

/s/ W. Scott McCollough

**CERTIFICATE OF SERVICE**

I hereby certify that on May 6, 2020, I electronically filed the forgoing document with the Court by using the CM/ECF system. All parties to the case have been served through the CM/ECF system.

/s/ W. Scott McCollough